

MINUTES
TENNESSEE BOARD OF MEDICAL EXAMINERS

Development Committee

March 26, 2012

The meeting was called to order at 6:00 p.m. at the Health Related Boards' Iris Room, 227 French Landing, Ground Floor, Heritage Place Metro Center, Nashville, Tennessee 37243 by Mitchell Mutter MD. Other members of the committee present were: Michael Zanolli, MD, Chair, Subhi Ali, MD, Dennis Higdon MD and Ms. Regine Webster.

Other Board Members Present: Michael Baron MD and Ms. Pat Eller.

Staff present included Rosemarie Otto, Executive Director, Larry Arnold, MD, Medical Director, and Andrea Huddleston, Deputy General Counsel and Advisory Attorney.

Others Present: David Reagan, MD, Chief Medical Office, Department of Health, Michelle Long, JD, Assistant Commissioner, Department of Health, Ms. Jane Young, General Counsel, Department of Health and Denise Moran, JD, Director, Office of Investigations, Department of Health.

Minutes

Dr. Mutter called the meeting to order and introduced members of the audience including David Reagan, MD, Michelle Long JD, Jane Young, JD and Denise Moran, JD.

Michael Zanolli MD was nominated to be Chair of the Development Committee.

Rosemarie Otto, Executive Director of the Board of Medical Examiners opened the discussion of pain clinic registration by updating the Committee on the number of applications that have been approved and their geographical location across the state. Two hundred twenty-two (222) applications have been granted to date. Twenty-nine (29) are located in the West Grand Division, one hundred (100) in the Middle Grand Division and ninety-two (92) in the East Grand Division. Dr. Mutter noted that while registering pain clinics is a good first step, enforcement was essential.

Dr. Mutter noted that the surplus of Board of Medical Examiner funds could be used to help fund additional investigators or inspectors in the Office of Investigation for the purpose of routinely inspecting the state's registered pain clinics for compliance. It was noted that it is important to have a regular schedule of inspections with the number of visits per year to be determined based on the number of investigators. Ms. Moran noted that the cost to the Department of Health to employ an investigator is approximately \$64,000 per year which includes salary and benefits. Dr. Mutter suggested that at a minimum, the Department would need to hire at least three new investigators. Ms. Moran also reported to the Committee that the Office of Investigations shares sixteen investigators among all the health-related boards, excluding the Board of Pharmacy. So, new investigator positions are likely needed.

David Reagan MD., Chief Medical Officer for the Department of Health spoke to the Committee about the state's prescription drug abuse problems and the state's commitment to working on the problem. He believes that we can do more with the data available from the controlled substance database in terms of identifying trends and educating physicians and other prescribers. Dr. Reagan and the Committee agreed that retaining the services of an epidemiologist would be of great benefit.

The Development Committee recommended the adoption of a mechanism whereby members of the Board could participate with and impart their expertise to inspectors/investigators of registered pain clinics in the state. That mechanism would be to form a Task Force of two members of the Board to work directly with key members of the Department including but not limited to Commissioner, John Dreyzehner MD, Ms. Denise Moran, JD, Director of the Office of Investigations, Andrew Holt, PharmD, Executive Director of the Board of Pharmacy, and Dr. Reagan. The Task Force would be assigned the explicit task of developing a check list of specific items to be inspected each and every time a registered pain clinic in Tennessee is inspected.

The Committee agreed to recommend to the full Board that Michael Baron, MD and Ms. Pat Eller, CPMSM be appointed to the Task Force. A draft survey document will be developed by staff and forwarded to Dr. Baron and Ms. Eller for review. The Task Force was directed to report back on its work to the Development Committee and the Board when they meet next in May 2012.

The Committee tabled its discussion on a fee decrease but did vote to recommend to the full board that the contract with the Tennessee Medical Foundation's Physician Health Program be funded at \$250,000, the current level. The Committee acknowledged the importance of this program to assist impaired physicians.

With no further business the Committee adjourned at 7:15 p.m.